

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4897

To provide for more effective child support enforcement.

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IN THE HOUSE OF REPRESENTATIVES

AUGUST 4, 1994

Mr. COOPER (for himself and Mr. GORDON) introduced the following bill;  
which was referred to the Committee on Ways and Means

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## A BILL

To provide for more effective child support enforcement.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Child Support Enforce-  
5       ment Act of 1994”.

6       **SEC. 2. SEIZURE OF LOTTERY WINNINGS, SETTLEMENTS,**  
7                       **PAYOUTS, AND SALE OF FORFEITED PROP-**  
8                       **ERTY TO PAY CHILD SUPPORT ARREARAGES.**

9       Section 466(a) of the Social Security Act (42 U.S.C.  
10       666(a)) is amended by inserting after paragraph (11) the  
11       following:

1           “(12) Procedures under which a lien is imposed  
2           against property with the following effect:

3           “(A) The distributor of winnings from a  
4           State lottery or State-sanctioned or tribal-sanc-  
5           tioned gambling house or casino shall—

6           “(i) suspend payment of the winnings  
7           from the person otherwise entitled to the  
8           payment until an inquiry is made to and a  
9           response is received from the State child  
10          support enforcement agency as to whether  
11          the person owes a child support arrearage;

12          “(ii) withhold from the payment the  
13          lesser of the amount of the payment or the  
14          amount of the arrearage; and

15          “(iii) pay the amount withheld to the  
16          agency for distribution.

17          “(B) The person required to make a pay-  
18          ment under a policy of insurance or a settle-  
19          ment of a claim made with respect to the policy  
20          shall—

21          “(i) suspend the payment until an in-  
22          quiry is made to and a response received  
23          from the State agency as to whether the  
24          person otherwise entitled to the payment  
25          owes a child support arrearage; and

1 “(ii) if there is such arrearage—

2 “(I) withhold from the payment  
3 the lesser of the amount of the pay-  
4 ment or the amount of the arrearage;  
5 and

6 “(II) pay the amount withheld to  
7 the State agency for distribution.

8 “(C) The payor of any amount pursuant to  
9 an award, judgment, or settlement in any ac-  
10 tion brought in Federal or State court shall—

11 “(i) suspend the payment until an in-  
12 quiry is made to and a response received  
13 from the State agency as to whether the  
14 person otherwise entitled to the payment  
15 owes a child support arrearage; and

16 “(ii) if there is such arrearage—

17 “(I) withhold from the payment  
18 the lesser of the amount of the pay-  
19 ment or the amount of the arrearage;  
20 and

21 “(II) pay the amount withheld to  
22 the State agency for distribution.

23 “(D) If the State seizes property forfeited  
24 to the State by an individual by reason of a  
25 criminal conviction, the State shall—

1 “(i) hold the property until an inquiry  
2 is made to and a response received from  
3 the State agency as to whether the person  
4 otherwise entitled to the payment owes a  
5 child support arrearage; and

6 “(ii) if there is such arrearage—

7 “(I) sell the property; and

8 “(II) after satisfying the claims  
9 of all other private or public claimants  
10 to the property and deducting from  
11 the proceeds of the sale the attendant  
12 costs (such as for towing, storage, and  
13 the sale), pay the lesser of the remain-  
14 ing proceeds or the amount of the ar-  
15 rearage directly to the State agency  
16 for distribution.

17 “(E) Any person required to make pay-  
18 ment in respect to a decedent shall—

19 “(i) suspend the payment until an in-  
20 quiry is made to and a response received  
21 from the State agency as to whether the  
22 person otherwise entitled to the payment  
23 owes a child support arrearage; and

24 “(ii) if there is such an arrearage—

1                   “(I) withhold from the payment  
2                   the lesser of the amount of the pay-  
3                   ment or the amount of the arrearage;  
4                   and  
5                   “(II) pay the amount withheld to  
6                   the State agency for distribution.”.

7   **SEC. 3. RESTRICTIONS RELATING TO PROFESSIONAL, OC-**  
8                   **CUPATIONAL, BUSINESS, AND DRIVER’S LI-**  
9                   **CENSES.**

10       Section 466(a) of the Social Security Act (42 U.S.C.  
11   666(a)), as amended by section 2 of this Act, is amended  
12   by inserting after paragraph (12) the following:

13               “(13) Procedures under which the State occu-  
14       pational licensing and regulating departments and  
15       agencies may not issue or renew any occupational,  
16       professional, or business license of—

17               “(A) a noncustodial parent who is the sub-  
18       ject of an outstanding failure to appear war-  
19       rant, capias, or bench warrant related to a child  
20       support proceeding that appears on the State’s  
21       crime information system; and

22               “(B) an individual who is delinquent in the  
23       payment of child support, until the individual  
24       owed such support or a State prosecutor re-  
25       sponsible for child support enforcement con-

1           sents to, or a court that is responsible for the  
2           enforcement of the order requiring the payment  
3           of such support orders the release of the hold  
4           on the license, or an expedited inquiry and re-  
5           view is completed while the individual is grant-  
6           ed a 60-day temporary license.

7           “(14) Procedures under which the State motor  
8           vehicle department—

9                   “(A) may not issue or renew the driver’s li-  
10           cense or any vehicle registration (other than  
11           temporary) of any noncustodial parent who is  
12           the subject of an outstanding failure to appear  
13           warrant, capias, or bench warrant related to a  
14           child support proceeding that appears on the  
15           State’s crime information system;

16                   “(B) upon receiving notice that an individ-  
17           ual to whom a State driver’s license or vehicle  
18           registration has been issued is the subject of a  
19           warrant related to a child support proceeding,  
20           shall issue an order to the individual requiring  
21           the individual to demonstrate why the individ-  
22           ual’s driver’s license or vehicle registration  
23           should not be suspended until the warrant is re-  
24           moved by the State responsible for issuing the  
25           warrant; and

1           “(C) in any case in which an order has  
2           been issued as described in subparagraph (B),  
3           may grant a temporary license or vehicle reg-  
4           istration to the individual pending compliance  
5           with the order or the removal of the warrant,  
6           whichever occurs first.”.

7   **SEC. 4. ATTACHMENT OF BANK ACCOUNTS.**

8           Section 466(a) (42 U.S.C. 666(a)), as amended by  
9   sections 2 and 3 of this Act, is amended by inserting after  
10 paragraph (14) the following:

11           “(15) Procedures under which—

12                   “(A) amounts on deposit in an account  
13           maintained at a Federal depository institution  
14           (as defined in section 3(c)(4) of the Federal  
15           Deposit Insurance Act) or State depository in-  
16           stitution (as defined in section 3(c)(5) of such  
17           Act) may be seized to satisfy child support ar-  
18           rearages determined under a court order or an  
19           order of an administrative process established  
20           under State law, solely through an administra-  
21           tive process, pending notice to and an expedited  
22           opportunity to be heard from the account hold-  
23           er or holders; and

24                   “(B) if the account holder or holders fail  
25           to successfully challenge the seizure (as deter-

1           mined under State law), the institution may be  
2           required to pay from the account to the entity  
3           with the right to collect the arrearage the lesser  
4           of the amount of the arrearage or the amount  
5           on deposit in the account.”.

6   **SEC. 5. REPORTING OF CHILD SUPPORT OBLIGATIONS TO**  
7                           **CREDIT BUREAUS.**

8           Section 466(a)(7) of the Social Security Act (42  
9   U.S.C. 666(a)(7)) is amended—

10           (1) by inserting “(A)” after “(7)”;

11           (2) by redesignating subparagraphs (A), (B),  
12           and (C) as clauses (i), (ii), and (iii), respectively;  
13           and

14           (3) by adding at the end the following:

15           “(B) Procedures requiring any court or admin-  
16           istrative agency of the State, at the time the court  
17           or agency issues or modifies a child support order,  
18           to report to each consumer reporting agency (as so  
19           defined)—

20                   “(i) the name of the individual upon whom  
21           the order imposes an obligation to pay child  
22           support; and

23                   “(ii) the amount of the obligation.”.



1 **SEC. 6. LIABILITY OF GRANDPARENTS FOR FINANCIAL SUP-**  
2 **PORT OF THEIR GRANDCHILDREN.**

3 Section 466(a) of the Social Security Act (42 U.S.C.  
4 666(a)), as amended by sections 2, 3, and 4 of this Act,  
5 is amended by inserting after paragraph (15) the follow-  
6 ing:

7 “(16) Procedures under which each parent of  
8 an individual is liable for the financial support of  
9 any child of the individual to the extent that the in-  
10 dividual is unable to provide such support. The pre-  
11 ceding sentence shall not apply to the State if the  
12 State plan explicitly provides for such inapplicabil-  
13 ity.”.

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